

# KIRKLAND & ELLIS LLP

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August 20, 2021

**MEMO ENDORSED**

**VIA ECF**

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Re: *TransPerfect Global, Inc. v. Lionbridge Technologies, Inc., et al.*,  
Case No. 1:19-cv-3283-DLC

Dear Judge Cote:

Defendants respectfully request authorization to file under seal Exhibits 461–468, 478–482, and 488–491 and file in redacted form Exhibits 469–477 and 483–487 attached to the Declaration of Aaron H. Marks in Further Support of Defendants’ Motion for Summary Judgment.

Exhibits 463–468, 482, 488, and 491 are confidential email chains and documents, which extensively discuss: (1) Lionbridge’s confidential business and marketing strategy documents, including documents concerning current or potential customers, revenue, pricing information, and sales strategies; (2) H.I.G.’s confidential business strategy documents, including its methods for evaluating its investments; and (3) confidential communications and documents shared between Defendants and their advisors that reflect the information from (1) and (2). These exhibits were produced by Defendants and contain and reflect information designated Confidential or Highly Confidential by Defendants under the Court’s June 3, 2020 Order Regarding Confidential Discovery Material (ECF No. 78) (the “Confidentiality Order”). The public disclosure of these documents would cause Defendants financial harm that outweighs any presumption of public access.

For the same reasons set forth in Defendants’ July 16, 2021 Letter to Motion to Seal Exhibits (ECF No. 197), which Your Honor granted on July 30, 2021 (ECF No. 215) (“Sealing Order”), Defendants request authorization to file these Exhibits under seal as they reflect private, commercially sensitive information that outweighs the presumption of public access. (Sealing Order at 1–2.)

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Exhibits 481, 489, and 490 are documents that were produced in this case by TransPerfect and designated Confidential or Highly Confidential by TransPerfect under the Confidentiality Order.

Exhibits 461, 462, and 478–480 are documents that were produced in this case by third parties in response to subpoenas and designated Confidential by those third parties under the Confidentiality Order.

Exhibits 469–477 and 483–487 are excerpts of deposition testimony from depositions of party and third-party witnesses in this case, portions of which have been designated Confidential or Highly Confidential by Defendants, TransPerfect, or third parties under the Confidentiality Order. Defendants request these Exhibits be filed in redacted form pursuant to Rule 8(B) of Your Honor's Individual Practices In Civil Cases.

In order to reply to TransPerfect's response to the Defendants' undisputed facts in support of its motion, Defendants must reference these documents. Pursuant to the Stipulation and Order Re: Summary Judgment Schedule (ECF No. 192), we have filed under seal Defendants' Reply Memorandum in Support of Their Motion for Summary Judgment and Defendants' Reply to Plaintiff's Response to Defendants' Rule 56.1 Statement.

Concurrently with this letter Defendants are filing under seal corrected versions of Exhibits 283 and 432, previously filed in the incorrect file format on July 16, 2021, and in redacted form Exhibits 205, 207, 209, and 218, previously filed with missing pages on July 16, 2021.

Pursuant to Your Honor's Individual Practices, we have enclosed full, unredacted versions of the Exhibits.

We thank the Court for its consideration of this request.

Respectfully submitted,


/s/ Aaron Marks

Aaron Marks, P.C.

Granted.

Dated: August 23, 2021

cc: All Counsel of Record (via ECF)

  
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DENISE COTE  
United States District Judge